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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160
23720	7590	11/02/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			FUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/827,466	<b>Applicant(s)</b> SCHUESSLER ET AL.	
	<b>Examiner</b> Jared J. Fureman	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-11,13-25,27-30,32-38,116 and 131 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,13-25,27-30,32-38,116 and 131 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Receipt is acknowledged of the power of attorney, filed on 7/27/2004, and the amendment, filed on 8/2/2004, both of which have been entered in the file. Claims 1-6, 8-11, 13-25, 27-30, 32-38, 116, and 131 are pending.

#### ***Claim Objections***

1. Claims 1, 20, and 116 are objected to because of the following informalities:

Claim 1, line 5: "at" (first occurrence) should be deleted.

Claim 20, line 3: "at" (first occurrence) should be deleted.

Claim 116, line 7: "based" should be deleted.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 131 is rejected under 35 U.S.C. 102(e) as being anticipated by (US 5,992,752, previously cited).

Wilz, Sr. et al teaches a method for using bar codes (8) encoded with information corresponding to an externally assigned entity (a website address) when received at an Internet portal (Internet service provider 4), comprising the steps of: providing said bar

Art Unit: 2876

code to a group of users (users of website guide 13, for example); connecting each user to the Internet portal when the bar code is read with a bar code reader (7A); and permitting the group to collaborate at a web page (for example, the group is permitted to work together by the dissemination of information via the website) (see figures 1-2, 4, 5, 7A-9, column 1 lines 45-54, column 2 lines 52-61, column 3 lines 15-46, column 4 lines 28-37, column 4 line 52 - column 5 line 5, column 5 line 47 - column 6 line 16, column 6 lines 25-50, column 8 lines 15-26, column 10 lines 1-67, column 11 line 13 - column 12 line 3, column 15 line 1 - column 16 line 65, column 17 line 35 - column 18 line 18, column 25 line 64 - column 26 line 44, and column 33 lines 6-49).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8-11, 13-25, 27-30, and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al in view of Hudetz et al (US 6,199,048, previously cited).

Wilz, Sr. et al teaches a method for processing information, and a portal for processing information, comprising the steps of: receiving information (scanned bar code 8) from a plurality of bar code scanners (7A), the information from each bar code scanner including data from at least one bar code (8); determining source (the user ID/network address of computer system 6) and destination information (a website

Art Unit: 2876

encoded in bar code 8, for example) for the received information; and distributing data from the received information to at least one destination identified by the destination information; receiving data (website data, for example) from the at least one destination for communicating to a user of a bar code scanner identified by the source information; maintaining a database of assigned bar codes (see figure 6B); associating security information (the Internet service provider requiring the user to sign in/logon, for example) with each bar code scanner and requiring the security information from a user before use of the scanner or before accepting bar code information from the scanner; further comprising receiving time information (time/date field 38E) from a plurality of bar code scanners; receiving location information from a plurality of bar code scanners (the ID/network address of the computer system 6); wherein the information is received in an encrypted form (a secure website, for example) and is decrypted before the step of distributing (see figures 1-2, 4, 5, 7A-9, column 1 lines 45-54, column 2 lines 52-61, column 3 lines 15-46, column 4 lines 28-37, column 4 line 52 - column 5 line 5, column 5 line 47 - column 6 line 16, column 6 lines 25-50, column 8 lines 15-26, column 10 lines 1-67, column 11 line 13 - column 12 line 3, column 15 line 1 - column 16 line 65, column 17 line 35 - column 18 line 18, column 25 line 64 - column 26 line 44, and column 33 lines 6-49).

Wilz, Sr. et al fails to teach maintaining a database of bar codes and destination information corresponding thereto; the destination information being determined from the received information and database entries relating thereto.

Art Unit: 2876

Hudetz et al teaches a method for processing information, and a portal for processing information, comprising: maintaining a database (60, figure 4) of bar codes (fields 70 and 72 containing UPC codes) and destination Information (URL in field 74) corresponding thereto; the destination information being determined from the received information (a UPC received from bar code reader 44) and database entries relating thereto (see figures 1, 2, 4, 5, 7, 8, 10, column 3 lines 1-37, column 3 line 58-31, column 4 line 64 - column 5 line 5, column 6 lines 7-18, column 7 line 1 - column 9 line 20, column 10 lines 5-12).

In view of Hudetz et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and portal as taught by Wilz, Sr. et al, maintaining a database of bar codes and destination Information corresponding thereto; the destination information being determined from the received information and database entries relating thereto, in order to allow the use of shorter bar codes and allow the change of network addresses without the need to update the bar codes (see column 3 lines 1-37, and column 3 line 58 - column 4 line 31, of Hudetz et al).

6. Claim 116 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al in view of Bianco (US 5,979,762, previously cited).

The teachings of Wilz, Sr. et al have been discussed above.

Wilz, Sr. et al fails to specifically teach providing the bar code with a prefix portion indicating whether the bar code is encrypted or not.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Wilz, Sr. et al, providing the bar code with a prefix portion indicating whether the bar code is encrypted or not, in order to provide greater security.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-6, 8-11, 13-25, 27-30, and 32-38 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Hudetz et al teaches the claimed database of received information and destination information related thereto. Applicants should also note that Call (US 6,154,738), Cragun et al (US 5,971,277), and Call (US 5,913,210), each cited in previous office action, also teach the claimed database.

8. Applicant's arguments with respect to claims 131 and 116, filed 8/2/2004 have been fully considered but they are not persuasive.

Re claim 131: In response to applicant's argument that Wilz, Sr. et al fails to teach a method including providing a bar code to a group of users, connecting each user to an Internet portal and permitting the group to collaborate at a web page (see page 9, of the amendment filed on 8/2/2004), Wilz, Sr. et al teaches providing bar codes (bar codes 8, in website guide 13) to a group of users (users of the website guide 13);

Art Unit: 2876

connecting each user to the Internet portal (Internet service provider 4) when the bar code is read with a bar code reader (7A); and permitting the group to collaborate at a web page (for example, the group is permitted to work together by the dissemination of information via the website). Thus, it is clear that Wilz, Sr. et al teaches the claimed method.

Re claim 116: In response to applicant's argument that there is no teaching or suggestion in either Wilz, Sr. et al or Bianco to connect to either the Internet or a telephone number depending on whether or not a scanned bar code had a prefix indicating whether or not the code was encrypted (see pages 9-10, of the amendment filed on 8/2/2004), Wilz, Sr. et al teaches connecting a user to an Internet portal (Internet service provider 4) when a bar code (8) is read, and transmitting information (website information, for example) from the portal to the user when connected to the portal. Bianco teaches that a bar code symbol 22 encrypted in a unique format may be appended in front of bar code symbol 12 (see column 4, lines 1-9, of Bianco). The bar code symbol 22 requires a special decoder in order to translate the information. Thus, applications requiring security utilize bar code symbol 22 and a special decoder. Therefore, the combination of Bianco with Wilz, Sr. et al results in a method where a user would be connected to a secure application through an Internet portal if the barcode was encrypted and the special decoder was used, or the user would not be connected if an encrypted barcode or special decoder was not used. Stated simply, the user would be allowed access if the encrypted bar code and special decoder was used and the user would not be allowed access if the encrypted bar code or special decoder



was not used. Thus, the user would be connected to the Internet portal in dependence on whether the bar code is encrypted. Claim 116 recites, "... a telephone number or an Internet portal ...", and thus only requires the ability to connect the user to one of a telephone number or an Internet portal. Since Wilz, Sr. et al teaches connecting a user to an Internet portal and Bianco teaches allowing access in dependence on whether a bar code is encrypted, the combination of Wilz, Sr. et al and Bianco meets the claimed limitations.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perkowski (US 2004/0153378), Russell et al (US 2004/0046014), and Perkowski (US 2004/0019535) all teach methods and portals for processing information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jared J. Fureman*  
Jared J. Fureman  
Examiner  
Art Unit 2876

October 28, 2004